



An
Bord
Pleanála

Inspector's Report

ABP-321755-25

Development	Retention of single storey building for use as a potting shed and tool store and permission for polytunnel and all associated site works.
Location	Inches, Eyeries, Beara, Co. Cork
Planning Authority	Cork County Council
Planning Authority Reg. Ref.	24600
Applicant(s)	Carmel O'Sullivan
Type of Application	Permission
Planning Authority Decision	Refuse
Type of Appeal	First Party V Refusal
Appellant(s)	Carmel O'Sullivan
Observer(s)	None
Date of Site Inspection	14 th March 2025
Inspector	Ronan O'Connor

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1.0 Site Location and Description

- 1.1. The subject site has a stated area of 0.85 hectares and is located within the rural townland of Inches, which is located approximately 500 metres south of the village of Eyries, County Cork.
- 1.2. The site is bounded by the regional road R-571 to the south and west, by the local road L-8920 to the east and to the north by agricultural lands. The R-571 road is designated as a scenic route (S115) under the Cork County Development Plan 2022-2028. Additionally, the R-575 road is located approximately 150 metres southwest of the site which is also designated as a scenic route (S117).

2.0 Proposed Development

- 2.1. Retention of single storey building for use as a potting shed and tool store and permission for polytunnel and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Refuse permission [decision date 19/12/2024] for 1 no. reason as follows:

1. *Having regard to the siting and proposed use of the development to be retained and the development proposed, on an elevated and exposed site within a High Value Landscape area, as designated under the Cork County Development Plan 2022, and to its siting away from the curtilage of the applicant's dwellinghouse, it is considered that the development to be retained and the development proposed would seriously injure the visual amenities of the area, would not respect the rural character of the area, fails to have an ancillary relationship with the applicant's dwellinghouse and would risk the establishment of an adverse precedent for such sited ancillary buildings at such a removal from the main dwellinghouse. Accordingly, it is considered that the development to be retained and the development proposed would be contrary to objectives GI14-9(a), GI 14-12, GI 14-15 and HE 16-21(a) of the Cork County Development Plan 2022- 2028. The development to be retained*

and proposed would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Executive Planner's Report (dated 18/11/2025) is summarised below:

- Noted that the house has sufficient rear garden area to accommodate development
- Located on a designated 'Scenic Route' (S115)
- Site is within an area of High Value Landscape, as designated in the CDP
- The site now includes the applicant's domestic dwelling house
- Proposal includes the omission of chimneys and a rewilding proposal
- Appear to be token gestures
- Features such as frosted glazing to the rear are in place
- Unit has clear residential features
- Structure would be capable of operating completely independent of the applicant's dwelling
- Inappropriate form of development Detracts from the views and prospects from the R571
- Would set an undesirable precedent
- Recommends refusal.

3.2.2. The subsequent Senior Executive Planner's Report (dated 16/12/2024) is summarised below:

- Site is within an area of High Value Landscape, as designated in the CDP
- Rural area is categorised in the CDP as a 'Tourism and Rural Diversification Area'
- R571 designated as a 'Scenic Route' (S115)

- Cites previous withdrawn application on the site (PA 24/450)
- Cites previous refusal (PA Ref 23/145 and ABP 318219-23)
- Cites pre-planning discussions
- No new material information has been brought forward which would warrant a change in the previous recommendation on this site.
- Structure cannot be considered ancillary to the family home.
- Inappropriate form of development.
- Detracts from the views and prospects of the R571
- Concurs with the recommendation of the Area Planner to refuse permission.

3.2.3. Other Technical Reports

Area Engineer - Grant subject to conditions.

Environment Report – No objection to the grant of planning permission.

3.3. Prescribed Bodies

3.3.1. None.

3.4. Third Party Observations

3.4.1. None.

4.0 Planning History

ABP-318219-23 (PA Ref 23415) Refuse Permission for Retention of single storey detached building for use as a wellness/gym/hobby room ancillary to family home and all associated site works. [ABP decision date 10/07/2024] for one no. reason as follows:

Having regard to the siting and proposed use of the development to be retained and the proposed development on an elevated and exposed site within a high value landscape area, as designated under the Cork County Development Plan 2022-2028, and to its location on a separate landholding to the applicant's dwellinghouse,

the Board considered that the development would seriously injure the visual amenities of the area, would not respect the rural character of the area, fails to have an ancillary relationship with the applicant's dwellinghouse and would risk the establishment of an adverse precedent for such sited ancillary buildings at such a removal from the main dwellinghouse. Accordingly, it is considered that the development would be contrary to objectives GI14-9(a), GI 14-12, GI 14-15 and HE 16-21(a) of the Cork County Development Plan 2022-2028. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

Enforcement:

SKB23019 – Unauthorised structure (as cited in Planner's Report)

5.0 Policy Context

5.1. Development Plan

Cork County Development Plan 2022-2028

Objective GI 14-9: Landscape a) Protect the visual and scenic amenities of County Cork's built and natural environment.

Objective GI 14-12: General Views and Prospects Preserve the character of all important views and prospects, particularly sea views, river or lake views, views of unspoilt mountains, upland or coastal landscapes, views of historical or cultural significance (including buildings and townscapes) and views of natural beauty as recognized in the Draft Landscape Strategy.

Objective GI 14-13: Scenic Routes

Protect the character of those views and prospects obtainable from scenic routes and in particular stretches of scenic routes that have very special views and prospects identified in this Plan.

Objective GI 14-14: Development on Scenic Routes

a) Require those seeking to carry out development in the environs of a scenic route and/or an area with important views and prospects, to demonstrate that there will be no adverse obstruction or degradation of the views towards and from vulnerable

landscape features. In such areas, the appropriateness of the design, site layout, and landscaping of the proposed development must be demonstrated along with mitigation measures to prevent significant alterations to the appearance or character of the area.

Objective GI 14-15: Development on the Approaches to Towns and Villages

Ensure that the approach roads to towns and villages are protected from inappropriate development, which would detract from the setting and historic character of these settlements.

HE 16-21: Design and Landscaping of New Buildings

a) Encourage new buildings that respect the character, pattern and tradition of existing places, materials and built forms and that fit appropriately into the landscape.

Appendix F Landscape Character Assessment of County Cork –

Site lies within Character Type 4 ‘Rugged Ridge Peninsulas’ with a landscape value of ‘Very High’, a Landscape Sensitivity of ‘Very High’ and a landscape of National Importance.

5.2. Natural Heritage Designations

- 5.2.1. Kenmare River SAC (Site Code 002158) is located c1km to the west of the site at the closest point. Eyeries Island pNHA (001050) is located 2.14km to the north-west of the site. Beara Peninsula SPA (Site Code 004155) is located 3.4km to the south-east of the site.

5.3. EIA Screening

- 5.3.1. The proposed development is not a class for the purposes of EIA as per the classes of development set out in Schedule 5 of the Planning and Development Regulations 2001, as amended. No mandatory requirement for EIA therefore arises and there is also no requirement for a preliminary examination or screening determination. Refer to Appendix 1.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first party appeal against the decision of the PA to refuse permission was submitted on 27/01/2025. The grounds of appeal are summarised as follows:

- Following most recent decision to refuse it was decided to reduce floor area of the building by 50% and covert it to a potting shed and tool store.
- Cork Co. Co. has recently granted permission for a very similar development under reference number 24/00434 – relates to rewilding of land/many similarities between the two developments
- Building when scaled down will be very simple in shape and form/will mimic many other lean-to agricultural and residential stores throughout Beara
- Provision of trellis planting on the elevations and extensive soil mounding around the building will assimilate the building into the landscape.
- Floor area will be 21.3 sq. m barely over half its current floor area.
- Represents 0.1836% of the overall application site area which is 1.16 Ha.
- Comprised of standard block work construction with a metal roof/would not be dissimilar to many other small sheds in Beara.
- Floor area is well below the 25 sq. m. exempted shed limit.
- Reference is made to Planner's Report and relevant policies, and response is set out in relation to same.
- Objective GI 14-9 – store will not impact on views and prospects in the area/many such small lean-to structures/will not degrade the approaches to Beara
- Objective HE 16-21 – Structure would fully respect its setting and would sit comfortably in the landscape/structure is already barely visible from nearby public roads
- Proposals will not impact on any designated sites

- Applicant has modified proposals/is now similar to another development located within Castletownbere – 24/00434
- Acknowledges that the previous proposal as refused did not respect fully its iconic setting and in hindsight the building should have been changed/has now been totally changed to a very small lean-to-structure and will fully respect its setting.
- The building is not unduly visible from the nearby public roads as existing/halving the size of the building, bunding and landscaping will ensure that the building is not obtrusive on the landscape.
- Changes are not small/a reduction in 50% of the floor area/no vehicular access is provided/is more than a token gesture
- Currently the building has residential features/proposed Beara Linny will be far removed from residential.
- Building will be very easily accessible from the family home
- 21 sq. m. building could never provide accommodation independent of the family's home
- Will not detract from the visual amenities of the area
- Would not set a precedent/building has no accommodation potential
- Planning saga has taken a toll on applicant's mental and physical health
- To completely remove the building would be a retrograde step in terms of sustainability and carbon footprint/should be retained to allow applicant to rewild her property (will store tools etc relating to same)

6.2. Planning Authority Response

- 6.2.1. Submission received on 07/02/2025 which states that the PA have no further comments.

6.3. Observations

- 6.3.1. None received.

7.0 Assessment

7.1. I consider the main planning issue that are of relevance to this appeal are as follows:

- Principle of development
- Design/Visual Impact/Impact on Landscape
- Other Issues

7.2. Principle of Development

7.2.1. The application relates to a part retention of an existing structure on lands that are within the applicant's wider landholding. It is proposed to reduce the scale of the existing structure on site, which has been the subject of previous application for retention, which was refused by the Planning Authority (PA Ref: 23415), and was refused by the Board on appeal (ABP-318219-23) for one reason, as detailed in Section 4 above. Within the Board's reason for refusal, it was set out that the previous structure failed to have an ancillary relationship with the applicant's dwelling and would set a precedent for such sited ancillary buildings at such a removal from the main dwelling house. As such, it is for the Board now to determine if the alterations made under this current proposal would overcome this issue. I would note that the scale of the proposed shed has been reduced by 50% from 42 sq. m. to 21.3 sq. m. In addition, the previously proposed vehicular access to the shed has been removed.

7.2.2. I am of the view that this issue has not been overcome, as the location of the shed remains as per the previous application, and the shed will also remain visible from the surrounding road network, notwithstanding the alterations proposed by the applicant, which include the reduction in scale as noted above, and also include a 900mm earth bund which appears to wrap around the area of the structure (see further discussion below). As such, and notwithstanding the view of the appellant in relation to this issue, I am of the opinion that the proposal cannot be considered ancillary to the main dwelling house, noting the distance between the shed and the dwelling house (c62m), and noting also the large existing rear garden of the main dwelling house, where it would appear to be possible to locate an ancillary structure of this scale. As such, I am not of the view the development proposed for retention, and the proposed development, is acceptable in principle, and would set an

undesirable principle for similar type of development in this area of 'very high value' landscape (see further discussion of same below).

7.3. Design/Visual Impact/Impact on Landscape

- 7.3.1. With reference to Appendix F of CDP Volume 1 'Landscape Character Assessment of County Cork', the site lies within Character Type 4 'Rugged Ridge Peninsulas', with a landscape value of 'Very High', a Landscape Sensitivity of 'Very High' and a landscape of 'National' importance.
- 7.3.2. The existing structure on site is visible from the R571 Regional Road which runs to the south of the site, which is a designated scenic route within the County Development Plan (Scenic Route S115 – Table 2.5.1 of Volume 2 refers). I am of the view that this visibility will remain unchanged for the most part, notwithstanding the alterations proposed by the applicant. The southern elevation, which is the most visible elevation, will still be visible, despite the reduction in floor area, with the height of same ranging from 2.72m to 3.36m, and will be visible above the 900mm bund proposed by the applicant. The structure is also visible, and will remain visible in my view, from the R575 Regional Road to the south of the site, as a result of the elevated nature of the site, relative to the R575. I would note that this route is also a designated scenic route (Scenic Route S117). However, I acknowledge that the views to be protected from these scenic routes lie generally to the south, and the structure has a limited impact on these views.
- 7.3.3. Notwithstanding, the structure has a high degree of visibility, and will continue to have, notwithstanding the proposed amendments, and sits within a landscape of 'National' importance landscape which is designated as 'very high value', with a 'very high sensitivity'. I am of the view that the proposed development detracts from same, noting, in particular, the former undeveloped rural nature of the site, which adds to the overall value of the wider landscape. Given this visibility, I am of the view that the development proposed for retention, and the proposed development, introduces incongruous built form within a highly scenic landscape, and detracts from the value of same. I acknowledge that the floor area of the structure has been reduced substantially, and the previously proposed vehicular access has been removed. However, I am not of the view that the proposed alterations have overcome the

Board's previous reason for refusal, for the reasons and considerations I have set out above.

7.4. Other Issues

- 7.4.1. Other Cited Applications – The appellant has stated that the development is now similar to another development located within Castletownbere – 24/00434. No other details are submitted in relation to same and therefore I have not been able to compare and contrast the two developments. Notwithstanding, I would note that each application is considered on its merits, and I have considered the merits of this particular development in my assessment above.
- 7.4.2. Exempted Development – The appellant has stated that the shed is below the exempted development limit of 25 sq. m. Whether this is the case or not is not under consideration here, noting that this is a first-party appeal against the decision of the Planning Authority to refuse retention permission, made under s37 of the Planning and Development Act, 2000 (as amended) and does not relate to a referral of a Section 5 Declaration, as provided for under s5(3)(a) of the Planning and Development Act, 2000 (as amended).

8.0 AA Screening

- 8.1. The site is located c1km to the east of the Kenmare River SAC (Site Code 002158) and is located 3.4km to the north-west of the Beara Peninsula SPA (Site Code 004155). However, having regard to the minor nature and scale of the proposed development, noting in particular the lack of any proposed services to the shed proposed for retention (i.e. wastewater connections), and having regard to the lack of any identified hydrological connections to any Natura 2000 site, it is my opinion that no Appropriate Assessment issues arise and that the development proposed for proposed for retention would not be likely to have had a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

9.0 Recommendation

I recommend that permission is refused for the following reasons and considerations.

10.0 Reasons and Considerations

Having regard to the siting and proposed use of the development to be retained, and notwithstanding the proposed alterations to existing structure on site, and the landscaping proposed, it is considered that development to be retained, and the proposed development, which sits on an elevated and exposed site within a landscape of 'National' importance, that is of 'very high' value, with a 'very high' sensitivity, as designated under the Cork County Development Plan 2022-2028, and to its location at a remove from the applicant's dwellinghouse, it is considered that the development proposed to be retained, and the proposed development, would seriously injure the visual amenities of the area, would not respect the rural character of the area, fails to have an ancillary relationship with the applicant's dwellinghouse and would risk the establishment of an adverse precedent for such sited ancillary buildings at such a removal from the main dwellinghouse. Accordingly, it is considered that the development would be contrary to objectives GI14-9(a), GI 14-15 and HE 16-21(a) of the Cork County Development Plan 2022-2028. The development would, therefore, be contrary to the proper planning and sustainable development of the area.

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Rónán O'Connor
Senior Planning Inspector

1st May 2025

Form 1

EIA Pre-Screening

An Bord Pleanála Case Reference	ABP-321755-25		
Proposed Development Summary	Retention of single storey building for use as a potting shed and tool store and permission for polytunnel and all associated site works.		
Development Address	Inches, Eyeries, Beara, Co. Cork		
1. Does the proposed development come within the definition of a 'project' for the purposes of EIA? (that is involving construction works, demolition, or interventions in the natural surroundings)		Yes	X
		No	
2. Is the proposed development of a CLASS specified in Part 1 or Part 2, Schedule 5, Planning and Development Regulations 2001 (as amended)?			
Yes			
No	X		No further action required
3. Does the proposed development equal or exceed any relevant THRESHOLD set out in the relevant Class?			
4. Is the proposed development below the relevant threshold for the Class of development [sub-threshold development]?			
5. Has Schedule 7A information been submitted?			

No	X	Pre-screening determination conclusion remains as above (Q1 to Q4)

Inspector: _____ **Date:** _____